

ORIGINAL NEW APPLICATION



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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORP. COMM

100 W CONGRESS STE 213 TUCSON AZ 85701

IN THE MATTER OF THE APPLICATION
OF HALCYON ACRES ANNEX NO. 2
WATER COMPANY, INC., AN ARIZONA
CORPORATION, FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
OPERATE A PUBLIC SERVICE UTILITY
FOR THE SALE AND DISTRIBUTION OF
WATER FOR DOMESTIC USE

Docket No.

W-02312A-14-0325

APPLICATION TO AMEND OR ALTER
DECISION NO. 48650

Applicant, Halcyon Acres Annex No. 2 Water Company, Inc. ("Halcyon Acres"), pursuant to A.R.S. § 40-252 hereby files this Application to Amend the January 26, 1978 Opinion and Order granting Halcyon a Certificate of Convenience and Necessity. Exhibit "A" provides a replacement Legal Description that includes the area the 1978 Order excluded. Exhibit "B" is a map of the Halcyon Acres No. 2 Subdivision.

Halcyon Acres has provided water service to the Halcyon Acres Annex No. 2 subdivision since the 1950s. See Exhibit "C," Affidavit of Gene Wilcox, ¶¶ 2, 7. The Halcyon Acres Annex No. 2 Subdivision can be described as the "south half of the south half of Sec. 15, T. 14 S. R. 15 E. G&SRB&M, as shown by the map or plat thereof, recorded in the office of

1 the County Recorder of Pima County, Arizona, on May 20th, 1950 in Book 9 of Maps and Plats
2 at Page 39." *Id.* at ¶ 3.

3 In 1977, Halcyon Acres applied for and the Arizona Corporation Commission granted a
4 Certificate of Convenience and Necessity. The original Order granting the Certificate of
5 Convenience and Necessity, Decision No. 48650, authorized "the furnishing of water as a
6 public service corporation within the area described in the APPENDIX hereto." The attached
7 Appendix described the Halcyon Acres No. 2 Subdivision but excluded the area "lying
8 Northeasterly of the Northeasterly Right of way line of the Old Spanish Trail as established
9 and/or existing."
10

11 Gene Wilcox, Halcyon's President, does not know any reason why the Arizona
12 Corporation Commission excluded the property Northeast of the Old Spanish Trail. *See*
13 Exhibit "C," ¶¶ 1, 7. Halcyon Acres has serviced the entire Halcyon Acres No. 2 Subdivision,
14 including the area that the Appendix purports to exclude, since the 1950s. *Id.* at ¶¶ 2, 8. In the
15 years after the Arizona Corporation Commission's 1978 Order granting the Certificate of
16 Convenience and Necessity, Halcyon Acres has continued servicing the entire Halcyon Acres
17 No. 2 Subdivision up to and including present day. *Id.* at ¶ 9.
18

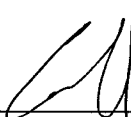
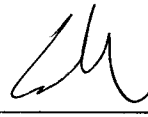
19 It is in the public's best interest that Halcyon Acres continue to serve the entire Halcyon
20 Acres No. 2 Subdivision as it has done since the 1950s. The Arizona Corporation Commission
21 should amend its Opinion and Order Decision No. 48650 to include the area that the 1978
22 Order excluded, consistent with the attached exhibits.
23
24

25
26 ////

27 ////
28

1 **RESPECTFULLY SUBMITTED** this 4th day of September, 2014.

2 **GOOD LAW, P.C.**

3 
4 

5 Gregory E. Good
6 Geoffrey G. Collins
7 GOOD LAW, P.C.
8 3430 E. Sunrise Drive, #270
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10 (520) 628-8221
11 good@goodlaw.net
12 gcollins@goodlaw.net
13 Attorneys for Halcyon Acres Annex No. 2

14 ORIGINAL and thirteen (13) copies
15 of the foregoing filed this 4 day
16 of September, 2014, with:

17 The Arizona Corporation Commission
18 Utilities Division – Docket Control
19 400 W. Congress Street, #218
20 Tucson, AZ 85701

21 Copy of the foregoing mailed
22 this 4 day of September, 2014, to:

23 Lyn Farmer, Esq.
24 Chief Administrative Law Judge
25 Hearing Division
26 Arizona Corporation Commission
27 1200 W. Washington Street
28 Phoenix, AZ 85700

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 Chief Counsel, Legal Division
 Arizona Corporation Commission
 1200 W. Washington Street
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EXHIBIT “A”



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September 2, 2014

EEC No. 205079

PAGE 1 OF 1

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT PORTION LYING WITHIN THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) AND WITHIN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 15 EAST, G&SRM, PIMA COUNTY, ARIZONA.

Prepared by:
ENGINEERING AND ENVIRONMENTAL CONSULTANTS, INC.

PATRICIA GAJDA, RLS



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EXHIBIT “B”

EXHIBIT “C”

1 **GOOD LAW, P.C.**

2 Gregory E. Good, SB# 014445

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8 **Of Counsel with Duffield, Adamson & Helenbolt, P.C.**

9 **BEFORE THE ARIZONA CORPORATION COMMISSION**

10 IN THE MATTER OF THE APPLICATION)
11 OF HALCYON ACRES ANNEX NO. 2)
12 WATER COMPANY, INC., AN ARIZONA)
13 CORPORATION, FOR A CERTIFICATE OF)
14 CONVENIENCE AND NECESSITY TO)
15 OPERATE A PUBLIC SERVICE UTILITY)
16 FOR THE SALE AND DISTRIBUTION OF)
17 WATER FOR DOMESTIC USE)

AFFIDAVIT OF GENE WILCOX

18 I, Gene Wilcox, being first duly sworn, state as follows

19 1. I am the President of Halcyon Acres Annex No. 2 Water Company, Inc. ("Halcyon
20 Acres").

21 2. Halcyon Acres installed infrastructure to deliver water to the entire Halcyon Acres
22 Annex No. 2 subdivision in the 1950s.

23 3. The Halcyon Acres Annex No. 2 subdivision is described as the "south half of the south
24 half of Sec. 15, T. 14 S. R. 15 E. G&SRB&M, as shown by the map or plat thereof, recorded in
25 the office of the County Recorder of Pima County, Arizona, on May 20th, 1950 in Book 9 of
26 Maps and Plats at Page 39."

27 4. On August 5, 1977 Halcyon Acres applied for a certificate of convenience and necessity
28 from the Arizona Corporation Commission.

5. The Arizona Corporation Commission granted Halcyon Acres a certificate of
convenience and necessity in an order dated January 26, 1978, Decision No. 48650.

1 6. The Arizona Corporation Commission's order provided a description of the property
2 subject to the certificate of convenience and necessity in an attached appendix.

3 7. For reasons unknown and unclear to me, the order's property description in the attached
4 appendix excluded a certain portion of the Halcyon Acres Annex No. 2 subdivision, described
5 as the property "lying Northeasterly of the Northeasterly Right of Way line of the Old Spanish
6 Trail as established and/or existing."

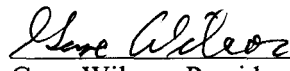
7 8. Halcyon Acres has provided water service to the Halcyon Acres Annex No. 2
8 subdivision for the subdivision's entire existence, including the property "lying Northeasterly
9 of the Northeasterly Right of Way line of the Old Spanish Trail" that the appendix purports to
10 exclude.
11

12 9. Despite the exclusion in the January 26, 1978 order, Halcyon Acres has continued to
13 provide water service to the property lying Northeasterly of the Northeasterly Right of Way
14 line of the Old Spanish Trail, just as it has done since the 1950s.
15

16 10. It is unclear why the Arizona Corporation Commission's 1978 order contained the
17 exclusion, and I know of absolutely no purpose or reason for such an exclusion.
18

19 11. I believe that it would be in the public's best interest to amend the property description
20 in the appendix to the Arizona Corporation Commission's 1978 order to include the entire
21 Halcyon Acres Annex No. 2 subdivision.
22

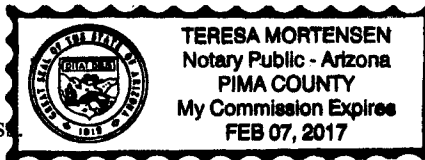
23 Dated this 29 day of August, 2014.

24 
25 Gene Wilcox, President of Halcyon Acres
26 *Walter Gene Wilcox*
27
28

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STATE OF ARIZONA)

County of Pima)



This instrument was acknowledged before me this 29 day of Aug, 2014 by

Gene Wilcox also known as Walter Gene Wilcox.

T. Mortensen
Notary Public

My Commission Expires:

Feb 7, 2017